



# Office of the Attorney General

State of Texas

September 4, 1998

DAN MORALES  
ATTORNEY GENERAL

Ms. Monica L. Strickland  
Assistant City Attorney  
City of Midland  
P. O. Box 1152  
Midland, Texas 79702-1152

OR98-2084

Dear Ms. Strickland:

You ask that we clarify our decision in Open Records Letter No. 98-1459 (1998). We assigned your request for clarification ID# 118075.

Open Records Letter No. 98-1459 determined that the City of Midland (the "city") may withhold from required public disclosure based on section 552.108 of the Government Code a particular offense report with the exception of portions of the report we referred to as the "basic information" about the arrested person, the arrest and the crime. Gov't Code 552.108(c); *see* Open Records Decision No. 127 (1976). You now resubmit the information at issue with redactions of information that you propose are in compliance with the letter ruling. You ask that we confirm that your redactions comply with the ruling.

We have reviewed your markings. We agree in part that you have marked information that may be properly withheld from disclosure based on section 552.108. In small part, we disagree with your markings and find that, pursuant to *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), certain information, including the names of the arresting and investigating officers, is not excepted from disclosure based on section 552.108. We have marked the clean copy of the information at issue that you may withhold in accordance with this decision.

If you have any questions about this matter, please contact our office.

Yours very truly

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings  
Deputy Chief  
Open Records Division

KHH/mjc

Ref: 118075

Enclosures: Marked documents

cc: Mr. David C. Farrell  
4512 Erie Drive  
Midland, Texas 79703-6938  
(w/o enclosures)